



**MEETING SUMMARY**  
**WATER RESOURCES ADVISORY COMMISSION**  
**Consumptive Use Permitting (CUP)**  
**Comprehensive Everglades Restoration Plan (CERP)**  
**ISSUES WORKSHOP**  
**South Florida Water Management District**  
**3301 Gun Club Road, West Palm Beach, FL 33406**  
**Monday, July 14, 2003**

**Attendees:**

**Members:**

Walter Carson  
Patrick Hayes

Joe Walsh  
Mary Munson

**Alternates:**

Bertha Goldenberg

Lloyd Hathcock

**Interested Parties:**

Kristin Bennett  
Michelle Diffenderfer  
John Fumero  
Beth Carlson Lewis  
Irene Quincy  
Joan Lawrence  
Mary Ann Gosa  
Theresa Woody  
Rebecca Elliott  
Linda McCann  
Laura Feakes  
John Marshall

Danna Ackerman White  
Marcy LaHart  
Darryl Dunn  
Fred Rapach  
John Adornato  
Theresa Woody  
Steve Lamb  
Roy Reynolds  
Lisa Interlandi  
Lorraine Guise  
Pam Kane

**SFWMD Staff:**

Cecile Ross  
Ken Ammon  
Garrett Wallace

John Mulliken  
Jan McLean

1. Introduction – Purpose and Scope of Subcommittee – Garrett Wallace, Deputy Department Director, Public Information Department. The goal of the meeting was to identify input from the stakeholders on what issues they specifically would like answered regarding Consumptive Use Permitting. The process is to ensure consistency of CUPs and CERP.

Meeting called to order at 10:05 a.m.

2. Overview of CUP Program – Ken Ammon, Director, Water Supply Department.

Introductions were made around the table.

Mr. Ammon said the attendees at this meeting will be given the same presentation given to the SFWMD Governing Board members on July 13, 2003. The purpose of the presentation is to provide background on CERP, Water Supply Plan, and CUP Issues. He said he will be describing emerging CUP issues and he said the Governing Board was asked for guidance on the process for resolving consistency issues.

House Bill 715 was passed in 1997 and showed the requirements for long term water supply planning – 1 in 10 level of certainty. The Bill asked that the Plan identify projected demands and shortfalls over a 20 year span; identify alternative or conventional sources to meet those projected shortfalls; and identify water resource development and projects. Information on the Regional Water Supply Plans approved by SFWMD from 1998-2000 was provided. That plan showed water demand projections based on population data available in 1995; plan assumptions and models developed for broad planning purposes; utilized 1999 Restudy projects and schedule; developed prior to federal and state “Assurance” laws regarding CERP; regulatory linkage identified.

State CERP Law and Federal CERP Law for WRDA 2000 were reviewed. Minimum Flows and Levels for the Everglades, Lake Okeechobee, Biscayne Aquifer, Lower West Coast Aquifers, Caloosahatchee, etc. were discussed. The A and B List CUP Rules for 2002-2003 were also reviewed, along with information on the upcoming activities and current CUP Resource Harm Evaluation (1 in 10 year drought level of certainty; saline water intrusion; pollution; existing legal use interference; offsite land use; wetland protection; reclaimed water sue feasibility; minimum flows and levels; and permit duration).

Some of the problems in the Plan were discussed. CERP/CUP consistency to date issues included prior Governing Board actions and anticipated Governing Board action. Information staff has heard from third parties included questions on application being authorized that permit away CERP water?; will allocation for 20 year permits interfere with CERP project performance; should permit allocation be limited to December 2000 withdrawals?

### 3. CERP/CUP Coordination Background – Ken Ammon.

The discussion issues for WRAC include the scope of review for CUP CERP consistency; relationship of federal and state CERP; evaluation of potential regional system impacts and timing for alternative source development vs. construction of CERP projects.

The process to resolve consistency issues is the limit scope to interim time period concerns – 2003-2006; background of Chapter 373 CUP tools; background of CERP linkages; stakeholder issue identification; process for resolution.

Governing Board Workshops and briefings will then be scheduled.

### 4. Subcommittee Issue Identification by Garrett Wallace.

Mr. Ammon and Mr. Wallace said they would like input from the stakeholders on what issues they specifically would like answered.

### Comments and Questions From Stakeholders:

Questions on regulatory linkage identification were explained by Mr. Ammon and Ms. Ross. At the end of this initiative, what will be the outcome? Mr. Ammon said this will be determined later, it could be a Rule, and it could be a process. Ms. Ross provided input on the process. Further questions on rule criteria and rulemaking so there will be a defined process. Mr. Ammon said the C List Rules will cause major impacts and he would like to be cautious on moving up the dates for these rules. Stakeholder commented that the issues need to be brought to the floor today so all the issues will be identified for the WRAC.

The three types of permits that are issued by the District and setting "reservations" was brought up and opinions were asked on the demand of reservations on the natural systems. Areas that are not affected by CERP projects and the Lower East Coast Plan were two topics discussed as being of concern to stakeholders. Mr. Ammon and Ms. Ross addressed the issues concerning "reservations".

Localized facts, and the larger, more regional water plans and the type of evaluation used to reach a definition was discussed and Ms. Ross said more information would be made on that issue at a later date. Plans for "initial reservations" to include fish and wildlife were discussed. Mr. Ammon said that all regional water supply plans included plans for the natural systems.

It was suggested that a "definitional session" be held with the Corps, District Staff, and stakeholders, and an hour set aside at a future meeting so everyone will know what terms and phases exactly mean.

Allocation of water, water that is going to be made available by CERP projects, permits on a case-by-case basis are topics that were discussed. Clarification on the following issues was asked: Alternative technology and the impact of CERP in the future; "reference" points and how they will be set; initial reservations and what the process will be and are they for restoration or for fish and wildlife. The exact definition of "CERP water" needs to be fully defined. Board direction on a permit-by-permit basis, initial reservations (setting aside water for restoration) was discussed.

The Upper East Coast Regional Water Supply Planning meetings were discussed. Stakeholders were urged to get involved in these meetings and to review the videotape of the May 30, 2003 meeting. Natural system flourishing was of concern.

Consistency on the amount of water that is permitted and the criteria of the amount of water was of concern. Scott Burns, Director, Water Use Division, Regulation, will provide the criteria when he is available.

Timetables, definitions, regional water availability, shared adversity, are areas to be addressed by staff. Consumptive Use Renewals and what the effect will be upon them; how does the LEC Plan tie to issuance of consumptive use permits? What is a recovery Plan and how does it affect permit applications? Saline water intrusion needs more discussion.

Permitting criteria in the Plan as signed by the President of the United States is of concern to the National Defense Council. The upcoming Boynton Beach permit was discussed and this

permit application will be going to the Governing Board in August 2003 for their review. Alternative water projects need to be identified.

What is coming up for consumptive use permit increases? What can be done on water that should be earmarked for the environment? Permitting away water that is meant for the natural system needs to be explained more thoroughly.

Mr. Wallace said he would compile a list of the issues discussed today and send via email to the group to ensure all the concerns are listed.

An example of how the permitting away of water (for protection of fish and wildlife) will affect a future CERP project was asked to be explained. Savings Clause issues also need further clarification.

#### 5. Scope for Next Meeting – Ken Ammon and Garrett Wallace.

Mr. Ammon said at the next meeting all the issues and concerns listed by the stakeholders will be given. Ms. Ross said a presentation will provide further information on the main issues. Mr. Wallace confirmed the topics at the next meeting.

Agricultural permits were and consumptive use permits were discussed.

Mr. Wallace will send out a series of dates and stakeholders will respond with a convenient date for meeting.

---

Paula Moree  
District Deputy Clerk

